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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,519	07/02/2003	Chen-Fa Huang	030612.SU (15819-117)	5251

7590 05/23/2006

BESCO PNEUMATIC CORP.
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TA LI CITY, TAICHUNG,
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EXAMINER

BUTLER, MICHAEL E

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,519

Applicant(s)

HUANG

Examiner

Michael Butler

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action, and apply to this and any subsequent Office Actions.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by McGuinness et al.

5634583 which discloses all the claimed elements including:

(Re: cl 1) A roofing washer dispenser comprising: a barrel having a nose on a distal end thereof and a magazine connected to the barrel (c3 L 12-22),
a tube connected to the barrel and a pile of washers received in the tube (c2 L 62-c3 L 22),
a plate connected to the barrel and including a groove defined in a top of the plate (c2 L 47-61),
a hole defined through the plate and located beneath of the nose, a feeding device having a pushing plate which is movably engaged with the groove (c2 L 47-61),
at least one washer in the groove and pushed by the pushing plate (c2 L 62-c3 L 47),
and a plurality of protrusions extending from an inner periphery of the hole (14 fig 9; c2 L 47-61);
the protrusions are located at an intermediate point of a width of the inner periphery of the hole (14 fig 9/3/4; c4 L 46-67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim(s) 1 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Haytayan in view of Beach 5056684 wherein the former discloses:

(Re: cl 1) A roofing washer dispenser comprising: a barrel having a nose on a distal end thereof and a magazine connected to the barrel (c9 L 1-32),
a plate connected to the barrel and including a groove defined in a top of the plate (fig 8),
a hole defined through the plate and located beneath of the nose (c9 L 1-32),
a feeding device having a pushing plate which is movably engaged with the groove (c5 L 41-65),
at least one washer in the groove and pushed by the pushing plate (c9 L 1-32),,
and a plurality of protrusions extending from an inner periphery of the hole
(520/236/244;c5 L 6-23);
the protrusions are located at an intermediate point of a width of the inner periphery of the hole (520/236/244;c5 L 6-23).

Beach 5056684 discloses:

a tube connected to the barrel and a pile of washers received in the tube (5 L 60-c6 L 9
with c7 L 2035).

It would have been obvious at the time of the invention for Haytayan to attach a vertical tube magazine housing washers because a gravity feed detachable magazine reliably feeds washers into the grooved channel from a quickly replenishable source as taught by Beach.

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5. Claim(s) 1 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Haytayan in view of Lui et al. wherein the former:

(Re: cl 1) A roofing washer dispenser comprising: a barrel having a nose on a distal end thereof and a magazine connected to the barrel (c9 L 1-32),
a plate connected to the barrel and including a groove defined in a top of the plate (fig 8),
a hole defined through the plate and located beneath of the nose (c9 L 1-32),
a feeding device having a pushing plate which is movably engaged with the groove (c5 L 41-65),
at least one washer in the groove and pushed by the pushing plate (c9 L 1-32),,
and a plurality of protrusions extending from an inner periphery of the hole (520/236/244;c5 L 6-23);
the protrusions are located at an intermediate point of a width of the inner periphery of the hole (520/236/244;c5 L 6-23).

Lui et al. discloses

a tube connected to the barrel over grooved channel the and a pile of washers received in the tube for feeding into the horizontal channel(31 fig 2 ; c2 L 33-53);

It would have been obvious at the time of the invention for Haytayan to attach a vertical tube magazine housing washers because a gravity feed detachable magazine reliably feeds washers into the grooved channel from a quickly replenishable source as taught by Lui et al..

6. Claim(s) 1 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamb 6302310 in view of Haytayan wherein the former discloses :

(Re: cl 1) A roofing washer dispenser comprising: a barrel having a nose on a distal end thereof and a magazine connected to the barrel (fig 1 & 3),
a plate 50 connected to the barrel and including a groove 56 defined in a top of the plate
a hole defined through the plate and located beneath of the nose (54),
a feeding device having a pushing plate which is movably engaged with the groove (c4 L 23-32),
at least one washer in the groove and pushed by the pushing plate (fig 4/5),
and a single protrusion extending from an into the hole (58 fig 6)

Haytayan discloses a plurality of protrusions extending from an inner periphery of the tube located at an intermediate point from the width of the hole inner periphery (520/236/244;c5 L 6-23).

It would have been obvious at the time of the invention for Lamb to substitute the pivoting single protrusion extending to a central area of the hole with a plurality of equivalent function protrusions mounted on the interior of the hole because plural protrusion distribute the load over the plural protrusions and moving protrusions to the interior of the hole would better center seat washers awaiting final dispensing of the washer as taught by Haytayan and come up with the instant invention.

Response to Amendments/Arguments

7. The applicant's arguments have been fully considered but they are unpersuasive in overcoming the rejections.

While applicant's assertion that his protrusions may be more robust and durable than the teeth of McGuiness may be an admirable enhancement and a distinguishable feature, that is not a claimed feature and applicant's claim still reads on McGuiness with its thinner protrusions.

Regarding Haytanyan, it is immaterial whether the protrusions engage the washer at the underside vs. the periphery of the WASHER. The elements are protruding into periphery of the hole.

Regarding Lamb, that applicant's protrusion supports the cap in a different manner than Lamb's protrusion is not determinative in distinguishing over the claim. The claim is broad enough to read on both applicant's preferred embodiment and Lamb's pawl.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (571) 272-6937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford, can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mch
5/18/06


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER